

SEP 22 2006

Attorney Docket No.: 102790-210 (30088 US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Inventor(s): Colin BROWN et al.

Serial No.: 10/572,823

Filed: March 22, 2006

For: DEVICE

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**CERTIFICATE OF FACSIMILE  
TRANSMITTAL**

I hereby certify that this paper and every paper referred to therein as being enclosed are being deposited by fax to the United States Patent and Trademark Office at 571-273-8300 on the date indicated below.

Print Name: Kimberly Brittingham

Date: 9/22/06

Signature: Kimberly Brittingham

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

We are in receipt of a *Notification of Missing Requirements* dated September 13, 2006 in the above-captioned application. Such *Notification* states that an oath or declaration executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68 has not yet been provided to the USPTO.

The undersigned respectfully points out that a *Combined Oath, Declaration and Power of Attorney* as executed by the inventors was transmitted to the USPTO via facsimile on April 26, 2006, concurrent with a Communication re: Filing of Declaration on a Date Later Than the Filing Date of the Application.

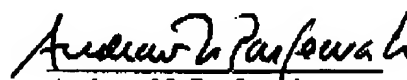
In support of the above, we attach the following:

1. Copy of *Notification of Missing Requirements* dated September 13, 2006 (2 sheets);
2. Copy of *Communication Re: Filing of Declaration on a Date Later Than the Filing Date of the Application* dated April 26, 2006 (2 sheets);
3. Copy of executed *Combined Oath, Declaration and Power of Attorney* as filed on April 26, 2006 (3 sheets);
4. Copy of a Fax Cover Sheet as filed in the USPTO concurrent with items 2 and 3 on April 26, 2006 (1 sheet); and
5. Copy of a facsimile confirmation page indicating the successful transmission of six (6) pages (items 2, 3 and 4 above) to the USPTO on April 26, 2006.

We trust the above will be sufficient in satisfying the requirements of the *Notification of Missing Requirements* in this matter.

Please charge any fees in connection with the enclosed materials not otherwise authorized by the papers submitted herewith to Deposit Account No. 14-1263.

Respectfully submitted,

  
Andrew N. Parfomak  
Registration No. 32,431

Date: September 22, 2006

Norris, McLaughlin & Marcus, P.A.  
875 Third Avenue  
18<sup>th</sup> Floor  
New York, NY 10022

Tel.: (212) 808-0700



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|                               |                       |                            |
|-------------------------------|-----------------------|----------------------------|
| U.S. APPLICATION NUMBER NO.   | FIRST NAMED APPLICANT | ATTY. DOCKET NO.           |
| 10/572,823                    | Colin Brown           | 102790-210 (30088 US) A1/P |
| INTERNATIONAL APPLICATION NO. |                       |                            |
| PCT/CH04/00599                |                       |                            |
| LA. FILING DATE               | PRIORITY DATE         |                            |
| 09/23/2004                    | 09/26/2003            |                            |

27389  
NORRIS, MCLAUGHLIN & MARCUS  
875 THIRD AVE  
18TH FLOOR  
NEW YORK, NY 10022

CONFIRMATION NO. 4910

371 FORMALITIES LETTER

OC000000020396083\*

Date Mailed: 09/13/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/22/2006
- Copy of the International Search Report filed on 03/22/2006
- Preliminary Amendments filed on 03/22/2006
- Information Disclosure Statements filed on 03/22/2006
- Oath or Declaration filed on 03/22/2006
- Request for Immediate Examination filed on 03/22/2006
- U.S. Basic National Fees filed on 03/22/2006
- Priority Documents filed on 03/22/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO.      |
|-----------------------------|-------------------------------|-----------------------|
| 10/572,823                  | PCT/CH04/00599                | 102790-210 (30088 US) |

FORM PCT/DO/EQ/905 (371 Formalities Notice)

SEP 22 2006

**FAX COVER SHEET**

Norris, McLaughlin & Marcus, P.A.  
875 Third Avenue, 18<sup>th</sup> Floor  
New York, NY 10022  
Facsimile (212) 808-0844  
Telephone (212) 808-0700

September 22, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mail Stop PCT

FAX NUMBER: 571-273-8300

TOTAL PAGES (including Fax Cover):12

SERIAL NO. : 10/572,823  
APPLICANT : Colin BROWN et al.  
FILED : March 22, 2006  
FOR : DEVICE  
ATTORNEY  
DOCKET NO. : 102790-210 (30088 US)

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**Comments:****Attached are:**

1. Response to Notification of Missing Requirements
2. Copy of Notification of Missing Requirements
3. Copy of Communication Re: Filing of Declaration on a Date Later Than the Filing Date of the Application
4. Copy of executed Combined Oath, Declaration and Power of Attorney
5. Copy of Fax Cover Sheet dated April 26, 2006
6. Copy of facsimile confirmation page

**FAX COVER SHEET****RECEIVED  
CENTRAL FAX CENTER**

SEP 22 2006

Norris, McLaughlin & Marcus, P.A.  
875 Third Avenue, 18<sup>th</sup> Floor  
New York, NY 10022  
Facsimile (212) 808-0844  
Telephone (212) 808-0700

April 26, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

FAX NUMBER: (571) 273-8300

TOTAL PAGES (including Fax Cover): 6

APPLICANT(S) : Colin BROWN et al.  
SERIAL NO. : 10/572,823  
FILING DATE : March 22, 2006  
TITLE : DEVICE  
ATTORNEY  
DOCKET NO. : 102790-210 (30088 US)

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**Comments:****Attached are:**

1. Communication Re: Filing of Declaration on a Date Later Than the Filing Date of the Application - **CHARGE DEPOSIT ACCOUNT \$130**
2. Executed Combination Oath, Declaration and Power of Attorney (3 sheets)

SEP 22 2006

Attorney Docket No.: 1.2790-210 (30088 US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Colin BROWN et al.  
SERIAL NO. : 10/572,823 [which is a 371 of PCT/CH2004/000599]  
FILING DATE : March 22, 2006  
TITLE : DEVICE  
ART UNIT : To Be Assigned  
EXAMINER : To Be Assigned

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April 26, 2006

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION RE: FILING OF DECLARATION ON  
A DATE LATER THAN THE FILING DATE OF THE APPLICATION**

Sir:

It is requested that the *Combination Oath, Declaration and Power of Attorney* submitted herewith be joined up with the papers previously filed in this application.

It is requested that the surcharge of \$130.00 for the filing of the *Declaration* be charged to the undersigned's Deposit Account No. 14-1263.

**Note: To date, the undersigned representative has not yet received the "Notification of Missing Requirements" from the USPTO.**

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

**ADDITIONAL FEE**

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By Andrew N. Parfomak

Andrew N. Parfomak  
Reg. No. 32,431

ANP/kb

Enc. - Combined Oath, Declaration and Power of Attorney

875 Third Avenue, 18<sup>th</sup> Floor  
New York, New York 10022  
Tel.: (212) 808-0700  
Fax: (212) 808-0844

**CERTIFICATE OF FACSIMILE  
TRANSMITTAL**

I hereby certify that this paper and every paper referred to therein as being enclosed are being deposited by fax to the United States Patent and Trademark Office at 571-273-8300 on the date indicated below.

Print Name: Kimberly Brittingham

Date: 4/26/06

Signature: Kimberly Brittingham